



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK  
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**JUNE 19, 2017**

Regular meeting of the City Council held on Monday, June 19, 2017 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Clancy, Ossing, Juaire, Oram, Robey, Delano, Doucette, Elder, Tunnera, Irish and Landers. Meeting adjourned at 8:48 PM.

**ORDERED:** That the Mayor and City Council President presented City Scholarships certificates to the following students, **FILE**; adopted.

Henry Dilling  
Assabet Valley Regional Technical High School

Jillian Rainville  
Assabet Valley Regional Technical High School

Nicholas Buckley  
Marlborough High School

Meaghan M<sup>c</sup>Cabe  
Marlborough High School

Alan Bryan Turner  
Marlborough High School

**ORDERED:** That the Minutes of the City Council meeting JUNE 5, 2017, **FILE**; adopted.

**ORDERED:** WHEREAS, having by Order No. 16/17-1006732A taken by eminent domain (hereinafter, "Order of Taking") certain easements in land for the purpose of aerial utility easements relating to the reconstruction of East Main Street, said easements being shown as PUE-2, PUE-3, PUE-4 and PUE-6 on said Order of Taking recorded in the South Middlesex County Registry of Deeds (hereinafter, the "Registry") in Book 68882, Page 250 and more particularly described on a set of plans entitled "RIGHT-OF-WAY PLANS EAST MAIN STREET IN THE CITY OF MARLBOROUGH MIDDLESEX COUNTY" dated July 28, 2016 and recorded in the Registry as Plan No. 141 of 2017, pursuant to M.G.L. c. 40, §15A the City Council of the City of Marlborough (hereinafter, the "City Council"), having charge of the aforementioned easements, hereby determines that said easements are no longer needed by the City of Marlborough for said purpose, and hereby transfers said easements to the City Council for another specific municipal purpose, being assignment of said easements to Massachusetts Electric Company and to Verizon New England, Inc.; **APPROVED**; adopted.

**Yea: 11 – Nay: 0. Yea: Delano, Doucette, Elder, Tunnera, Irish, Clancy, Landers, Juaire, Oram, Ossing, & Robey.**

WHEREAS, pursuant to M.G.L. c. 40, §15, the City Council of the City of Marlborough hereby authorizes the assignment of said aforementioned easements, for nominal consideration, to Massachusetts Electric Company and to Verizon New England, Inc., and thus authorizes the Mayor, pursuant to Mass. Gen. Laws c. 40, § 3, to execute the Assignment of Easement, **APPROVED**; adopted.

**ORDERED:** At the Regular Meeting of the Marlborough City Council on June 24, 2017, the following bond, refer to **FINANCE COMMITTEE & ORDERED ADVERTISED**; adopted.

#### **WATER SERVICE LINE REPLACEMENT BOND**

That the sum of \$5,000,000 (five million dollars) be and is hereby appropriated for financing the engineering and construction of the replacement of water service lines containing lead piping through the Massachusetts Water Resources Authority (MWRA) Lead Loan Program (LLP).

That to meet said appropriations the Comptroller/Treasurer, with the approval of the Mayor, is authorized to borrow all or a portion of the \$5,000,000.00 under and pursuant to the provisions of Chapter 44, Section 8(3) of the Massachusetts General Laws, as amended and supplemented, or any other enabling authority, and to issue bonds or notes of the City of Marlborough therefor. Further that the Comptroller/Treasurer, with the approval of the Mayor, is authorized to borrow all or a portion of the foregoing amount from the MWRA and in connection therewith, to enter into a loan agreement and/or security agreement with the MWRA relative to such loan, and the Commissioner of Public Works, with the approval of the Mayor, is authorized to contract for and expend any Federal, State or other aide available for the project, including any grant related to such program from the MWRA, and the Mayor and/or the Comptroller/Treasurer, with the approval of the Mayor, are authorized to take any other action necessary to carry out this project.

Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

ORDERED: That the Fire Department transfer request in the amount of \$80,018.10 which moves funds from Fire Lieutenant to Sick Leave Buy Back to fund retirement payouts for two retirees, **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	FIRE					FISCAL YEAR:	2017		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance	
\$206,384.56	\$80,018.10	12200001	50810	Fire Lieutenant	\$80,018.10	12200003	51920	Sick Leave Buy Back	\$0.00	
	Reason:	Vacant positions					To fund sick leave buy back for two retirements			
	\$80,018.10	Total			\$80,018.10	Total				

ORDERED: That the Gift Acceptance in the amount of \$100.00 from a Connecticut resident who had requested the assistance of the Police Department and was very satisfied, **FILE**; adopted.

ORDERED: That the Notice of Filing and Public Hearing for the Municipal Aggregation Plan, **FILE**; adopted.

ORDERED: That the City of Marlborough, acting by and through its City Council, does hereby accept from Annette Crossen, Executrix under the Will of Alexander A. Staniunas, a/k/a Antony Alexander Staniunas, a/ka Antoni Staniunas (Middlesex Probate Number MI 12P 0805 EA), the deed of the fee interest in a parcel containing 5.2 acres and located off Fitchburg Street at its intersection with Sasseville Way, further described as Map 16, Parcel 16 of the Marlborough Assessors Maps and as shown on a plan entitled “ ‘Compiled Plan’ of Land in Marlboro, Mass.; Owned by: Thomas W. Callahan, Trustee of the Assabet Industrial Trust; Scale: 1" = 100'; Date: August 23, 1983;” and recorded at Middlesex South District Registry of Deeds, Plan Book 1983, Plan 1149.

The above-described parcel is conveyed to the City under the provisions of Mass. Gen. Laws c. 40, § 8C and is to be managed and controlled by the Marlborough Conservation Commission for the purposes of the promotion and development of natural resources, watershed protection, passive recreation, and conservation of open space, **APPROVED**; adopted.

ORDERED: That the Communication from Code Enforcement Officer, Pam Wilderman, re: Sign Request, Hilton Garden Inn, 170 Forest Street, refer **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 24, 2017** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit from Walker Realty LLC for Proposed Veterinary Hospital use in the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), 58 Apex Drive, refer to **URBAN AFFAIRS COMMITTEE, ADVERTISE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY JULY 24, 2017** as **DATE FOR PUBLIC HEARING** on the Petition from NGrid to install 1 new pole and 1 new midspan pole along Boundary Street in which pole installs are part of a project to increase system reliability, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as most recently amended, be further amended by amending certain provisions of (new text underlined, deleted text in strikethrough):

§650-12 Nonconforming uses.

- A. No building or other structure nor any land shall be used nor shall any building or other structure or part thereof be erected or altered except in conformity with the provisions of this chapter and any amendments thereof which apply to the district in which the building, structure or premises shall be located; provided, however, that this chapter shall not apply to the existing use of any building or structure or of land to the extent to which it was lawfully used at the time of the adoption of this chapter.
- B. This chapter shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration or for its use for the same purpose to a substantially greater extent, provided that the City Council determines, by the grant of a special permit, that expansion or alteration of a nonconforming use or structure is not substantially more detrimental to the neighborhood than the existing nonconforming use, except that no special permit is needed if the alteration or expansion is to a nonconforming single- or two-family dwelling and said alteration or expansion does not increase the nonconforming nature of the dwelling, and subject, however, to the following provisions:
  - (1) Such use has not been abandoned for a period of two years or more, except in the case of land used for agriculture, horticulture or floriculture for a period of less than five years.
  - (2) Such use is not enlarged to more than 25% of the floor and ground areas of use existing at the time of adoption of the original Zoning Ordinance, or any amendments thereto, except that the City Council may waive this requirement in the case of a nonconforming contractor's yard use, outdoor storage use, or other similar use where the outdoor aspect of the use is itself nonconforming and not accessory to an indoor use, and ~~than that~~ any nonconforming farm may be enlarged up to the total area owned by the nonconforming farmer at the time of adoption of this chapter, and there shall be no limit as to the expansion of farm buildings.

- (3) In case the use is destroyed or damaged by fire, explosion or other catastrophe to not greater than 75% of the fair market value of the building or structure, exclusive of foundation, based upon replacement cost immediately prior to such damage, the structure or use may be restored or rebuilt at the same location and used as previously, provided that:
- (a) The building, structure or use of land as restored or rebuilt shall be no greater in floor or land area than the maximum permitted under Subsection B(3)(b) of this section.
  - (b) The restoration or rebuilding shall conform to this chapter so far as practicable and shall be completed within two years of the catastrophe, unless approved by the City Council in writing in accordance with Article VIII.
- (4) The building or structure is completed if a permit for construction was granted prior to the adoption of this chapter and construction is accomplished within two years after the date of adoption of this chapter.
- (5) The provisions of the above Subsection B(1), (2) and (4) shall not apply to a single-family dwelling.

**TABLED**; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as amended, be further amended by amending the Zoning Map established by Chapter 650 Zoning Article III Establishment of Districts Section 650-8 "Boundaries Established; Zoning Map". Said Zoning Map is amended by extending the Residence C District shown on the City of Marlborough Massachusetts Zoning Map by including in said Residence C District all of Assessors Map 82, Parcel 125, and by extending the Business District shown on the City of Marlborough Massachusetts Zoning Map by including in said Business District all of Assessors Map 82, Parcels 131A and 132, **TABLED**; adopted.

ORDERED: Be it ordained by the City Council of the City of Marlborough that the Code of the City of Marlborough, as amended, be further amended by amending the Zoning Map established by Chapter 650 Zoning Article III Establishment of Districts Section 650-8 "Boundaries Established; Zoning Map". Said Zoning Map is amended by superimposing the Retirement Community Overlay District over Assessors Map 73, Parcels 52 and 53, and Assessors Map 85, Parcels 14 and 15, **TABLED**; adopted.

ORDERED: That the Site Plan Application for 28 South Bolton Street, refer to **URBAN AFFAIRS COMMITTEE**; adopted.

ORDERED: That the Communication from Kristin Regan, re: Permission to park on City property at the top of Emmett Street, X16-1006704, X14-1006035, X12-1005237, X11-1004017 and X03-9919A, refer to **COUNCIL PRESIDENT CLANCY TO DRAFT A LETTER TO THE REGAN'S WHICH EXTENDS AND TRANSFERS THIS ORDER TO A NEW POTENTIAL BUYER OF THE REGAN'S HOME**; adopted.

ORDERED: That the Minutes Conservation Commission, April 20, 2017 & May 4, 2017, **FILE**; adopted.

ORDERED: That the Minutes Planning Board, May 8, 2017 & May 22, 2017, **FILE**; adopted.

ORDERED: That the Minutes Library Board of Trustees, May 2, 2017, **FILE**; adopted.

ORDERED: That the Minutes Assabet Valley Regional Technical School Committee, March 28, 2017 & May 3, 2017, **FILE**; adopted.

ORDERED: That the Minutes Traffic Commission, April 25, 2017, **FILE**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

- a. Frederick Orentlich, 8 Schipper Farm Lane, Southborough, pothole or other road defect.
- b. Claude & Mary Clerc, 47 O'Malley Road, pothole or other road defect.

Reports of Committees:

Councilor Ossing reported the following out of the Finance Committee:

Marlboro City Council Finance Committee  
Monday, June 12, 2017  
**In Council Chambers**

**Present: Chairman Ossing; Finance Committee Members Councilors Robey, Oram (arrived at 7:25), Doucette and Irish. Councilors Clancy (Arrived at 8 PM), Juaire and Landers were also in attendance. The meeting convened at 7:04 PM.**

**Continued Review:**

1. **Order #17-1006795C: Fire Department City Code Changes:** The Finance Committee continued the discussion from the January 30, 2017 Finance Committee meeting which tabled the changes to the city code for the Fire department in order to resolve comments and obtain input from the solicitor. The Finance Committee voted 4- 0 (Councilor Oram was not present) to remove from the table. The Finance Committee reviewed the changes to the City Code submitted to the City Council on June 12, 2017 and voted 4 - 0 (Councilor Oram was not present) to approve the changes.
  - **The Finance Committee agreed to support suspending the rules at the June 19, 2017 City Council meeting to request the City Code changes be advertised.**
2. **Order #17-1006865 - Fiscal Year 2018-2022 Capital Plan:** The Finance Committee reviewed the Mayor's letter dated April 6, 2017 requesting the City Council review the Fiscal Year 2018 - 2022 Capital Plan. The Finance Committee acknowledged that the Mayor will be updating the five-year plan annually and will be submitting the capital plan with future bond requests. **The Finance Committee voted 5- 0 to accept and place on file the FY2018-2022 Capital Plan.**

The Finance Committee adjourned at 8:27 PM.

Reports of Committees Cont'd.

Councilor Landers reported the following out of the Public Services Committee:

Meeting Name: City Council Public Services Committee

Date: June 14, 2017

Time: 7:00 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 7:01 PM – Adjourned: 8:50 PM

Present: Chairman Landers; Public Services Committee Members Councilor Irish and Doucette; and Councilors Juaire and Elder (Order No. 17-1006939)

Also Present: Gerald Dumais (Dumais & Sons Second Hand Store); Josh Sztabor (National Grid); Mike Stanley (Founder & CEO TransitX); Wes Tuttle (General Manager, New England Sports Center); and Walter Bonin (Marlborough Transportation Committee)

**Order No. 17-1006910: Application for Renewal of Junk Dealer's License, Gerald Dumais, d/b/a/ Dumais & Sons Second Hand Store, 65 Mechanic Street.** Police Chief Giorgi approved the CORI report for Gerald Dumais of Dumais & Sons Second Hand Store and had no objection to the renewal of his Junk Dealer's License. Gerald Dumais appeared before the committee to request renewal of his license. **Recommendation of the Public Services Committee is to approve the renewal of the Junk Dealer's License for Gerald Dumais of Dumais & Sons Second Hand Store, 65 Mechanic Street. Motion made by Councilor Irish, seconded by Chair, to approve. The motion carried 3-0.**

**Order No. 17-1006895: Petition of National Grid to install solely owned Pole 13 to be set approximately 64' from existing Pole 12. New Pole 13 will be used to serve new charging station at corner of parking area for Hannaford's Super Market in the approximate area of 193-199 Boston Post Road West.** Pursuant to City Council Order No. 17-1006895, the City Engineer offered the following comments: The new pole shall be located such that it will not interfere with a future sidewalk at this location. The proposed pole location shall be staked on the ground, and approved by DPW/Engineering prior to installation. Josh Sztabor of National Grid explained the petition was for the installation of new Pole 13, set approximately sixty-four feet from existing Pole 12 to serve a new charging station owned by RK Plaza for a location near the corner of the parking area for Hannaford's Super Market. The charging station can charge two cars with the possibility of future expansion.

**Motion made and seconded to recommend approval of the installation of new Pole 13 to service charging station at Hannaford's Super Market with the following two conditions:**

**1) The new pole shall be located such that it will not interfere with a future sidewalk at this location; 2) The proposed pole location shall be staked on the ground and approved by DPW/Engineering prior to installation. The motion carried 3-0.**

**The Public Services Committee agreed to request a Suspension of the Rules at the June 19, 2017 City Council Meeting to act upon Order No. 17-1006895.**

## Reports of Committees Cont'd

**Order No. 17-1006908: Petition from National Grid to relocate P6, Elm Street, 3.5' North at Marlborough's request for road improvement project.** Pursuant to City Council Order No. 17-1006908, the City Engineer offered the following comments: 1) This pole relocation will allow for the reconstruction/realignment of Elm Street and sidewalks as part of the City's 2017 reconstruction project. 2) The utility companies are to expedite the transfer of overhead wires from old to new poles, to minimize any double pole situations left along the street. 3) The new pole location shall be as directed by DPW/Engineering. Josh Sztabor of National Grid explained the petition was for the relocation of Pole 6 on Elm Street at the request of the City of Marlborough for a road improvement project. Mr. Sztabor explained the timeline for the project was at least two weeks from approval by City Council and their utilities could be transferred from the existing pole to the relocated pole on the same day.

**Motion made and seconded to recommend approval of the relocation of P6, Elm Street, 3.5' North at Marlborough's request for road improvement project with the following two conditions:**

**1) The utility companies are to expedite the transfer of overhead wires from old to new poles, to minimize any double pole situations left along the street; 2) The new pole location shall be as directed by DPW/Engineering.**

**The motion carried 3-0.**

**The Public Services Committee agreed to request a Suspension of the Rules at the June 19, 2017 City Council Meeting to act upon Order No. 17-1006908.**

**Order No. 17-1006909: Petition from NGRID to relocate P20, Pleasant Street, 4.5' West, at Marlborough's request for road improvement project.** Pursuant to City Council Order No. 17-1006909, the City Engineer offered the following comments: 1) This pole relocation will allow for the reconstruction/realignment of Elm Street and sidewalks as part of the City's 2017 reconstruction project. 2) The utility companies are to expedite the transfer of overhead wires from old to new poles to minimize any double pole situations left along the street. 3) The new pole location shall be as directed by DPW/Engineering. Josh Sztabor of National Grid explained the petition was for the relocation of Pole 20 on Pleasant Street at the request of the City of Marlborough for a road improvement project. Councilor Juare was concerned about a double pole situation at this site and asked the process of scheduling the transfer of all utilities. Mr. Sztabor explained most utility companies are alerted at the beginning of the process and a plan is formulated that works best for all those involved in the process.

**Motion made and seconded to recommend approval of the relocation of P20, Pleasant Street, 4.5' West at Marlborough's request for road improvement project with the following two conditions:**

**1) The utility companies are to expedite the transfer of overhead wires from old to new poles to minimize any double pole situations left along the street; 2) The new pole location shall be as directed by DPW/Engineering. The motion carried 3-0.**



## Reports of Committees Cont'd

**The Public Services Committee agreed to request a Suspension of the Rules at the June 19, 2017 City Council Meeting to act upon Order No. 17-1006909.**

**Order No. 17-1006939:** The Mayor be requested to communicate with TransitX expressing interest in developing a TransitX Public Transportation network in the City of Marlborough; and, it is herewith further Ordered: that the Mayor be requested to forward communications to the Commonwealth's Department of Transportation and Department of Energy Resources, the Mass Clean Energy Center and the Metropolitan Area Planning Council, and others as deemed appropriate and necessary, to help the city evaluate the impact this technology would have on transportation in the city (i.e. traffic studies), allow access to the Route 495 Corridor for this transportation network, the projected transportation emission reduction in relation to achieving the goals of the Massachusetts Global Warming Solutions Act, and identify any state funds that can help fund rail path preparation for the initial network, including the cost for underground wiring of Route 20 west of Interstate 495. Pursuant to the Order No.17-1006939, the City Engineer supported the request to communicate interest in the development of a TransitX public transportation network, stating it is too early to comment further on the right-of-way and engineering design challenges that would be involved. The Public Services Committee met with Mike Stanley, TransitX; Wes Tuttle, New England Sports Center (NESC); and Walter Bonin, Marlborough Transportation Committee for a discussion of the development of a TransitX Public Transportation Network within the City of Marlborough starting with a pilot program between the NESC and Solomon Pond Mall. Mr. Stanley discussed the benefits of his transportation system over a traditional roadway system, illustrated by a prepared slide presentation. Among the discussion points were right-of-way and engineering concerns, financing/cost details, and a procedures and timelines for the system. Councilor Elder expressed his concerns for the new, untried technology. Councilor Juairé supported the letter of interest. Wes Tuttle spoke in favor although clarified this was not an 'ask' of NESC. Transportation Committee Chairman Bonin spoke in support stating that Marlborough should be prepared to become a partner if TransitX can prove their technology works and is proven from a safety perspective. Chairman Landers indicated that the Mayor would work closely with the City Solicitor's Office on the requested letter of interest. Mr. Stanley agreed to provide copies of letters of interest received from other municipalities.

**Motion made by Councilor Doucette, seconded by Councilor Irish to recommend that the Mayor be requested to issue a letter of interest in developing TransitX in the City of Marlborough.**

**The motion carried 3-0.**

**The Public Services Committee agreed to request a Suspension of the Rules at the June 19, 2017 City Council Meeting to act upon Order No. 17-1006939.**

**Motion made by Councilor Irish, seconded by Chair, to adjourn. The motion carried 3-0. The meeting adjourned at 8:50 PM.**

**Suspension of the Rules requested – granted**

ORDERED: At the Regular Meeting of the Marlborough City Council on June 24, 2017, the following Ordinance, **ORDERED ADVERTISED**; adopted.

Be it ordained by the City Council of the City of Marlborough, acting upon a recommendation of the Mayor, that the Code of the City of Marlborough (hereinafter, the “City Code”), as amended, be further amended as follows:

- I. The City Code is hereby amended in its entirety by deleting the words “Chief Engineer” as said words appear throughout the City Code, and inserting in place thereof, throughout the entirety of the City Code, the words “Fire Chief.”
- II. Chapter 74 is hereby amended by deleting the words “Assistant Engineer” as said words appear throughout Chapter 74, and inserting in place thereof, throughout the entirety of Chapter 74, the words “Assistant Chief.”
- III. Chapter 74 is hereby amended by deleting the following sections:
  - (i.) § 74-6 Number of call members
  - (ii.) § 74-24 Board of Engineers reorganized
  - (iii.) § 74-25 Intermittent firefighters
- IV. Section 74-5, entitled “Permanent Department Force,” is hereby amended as follows:
  - (i.) By deleting paragraph A in its entirety and inserting in place thereof the following paragraph:
    - A. The permanent force of the Fire Department shall consist of a Fire Chief; Assistant Chiefs; Battalion Chiefs; Captains; Lieutenants; and as many firefighters as the Mayor and City Council may from time to time order.
  - (ii.) By deleting paragraph C in its entirety and inserting in place thereof the following paragraph:
    - C. The Assistant Chiefs shall assist the Fire Chief in the command of the Department.
  - (iii.) By deleting paragraph D in its entirety, thereby revoking Order No. 07-1001476A, dated May 21, 2007, by which order the City Council accepted M.G.L. c. 31, § 58A which statute prohibits a person, other than a veteran, from having his or her name certified to original appointment to the position of firefighter if such person has reached his or her 32<sup>nd</sup> birthday on the date of the entrance examination. Said revocation shall not affect any civil service or contractual rights that may have come into existence between the City and any current or retired employee thereof as a result of the original acceptance of said law.

V. Section 74-10, entitled “Command of members” is hereby amended as follows:

(i.) By deleting paragraph A in its entirety and inserting in place thereof the following paragraph:

A. The Fire Chief shall have sole and absolute control and command of all the members of the Department and of all persons at fires or whenever the Department is on duty.

(ii.)By deleting paragraph B in its entirety.

VI. Section 125-17, entitled “Overtime Pay,” is hereby amended in paragraph D by deleting the words “First Assistant Engineer and Second Assistant Engineer” and inserting in place thereof the words “Assistant Chiefs.”

#### **Suspension of the Rules requested – granted**

ORDERED: That the Petition of NGrid to install solely owned Pole 13 to be set approximately 64' from existing Pole 12. New Pole 13 will be used to serve new charging station at corner of parking area for Hannaford’s Super Market in the approximate area of 193-199 Boston Post Road West, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

- 1) The new pole shall be located such that it will not interfere with a future sidewalk at this location;
- 2) The proposed pole location shall be staked on the ground and approved by DPW/Engineering prior to installation.

#### **Suspension of the Rules requested – granted**

ORDERED: That the Petition from NGRID to relocate P6, Elm Street, 3.5' North at Marlborough’s request for road improvement project, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted

- 1) The utility companies are to expedite the transfer of overhead wires from old to new poles, to minimize any double pole situations left along the street;
- 2) The new pole location shall be as directed by DPW/Engineering.

#### **Suspension of the Rules requested – granted**

ORDERED: That the Petition from NGRID to relocate P20, Pleasant Street, 4.5' West, at Marlborough’s request for road improvement project, **APPROVED WITH THE FOLLOWING CONDITIONS**; adopted.

- 1) The utility companies are to expedite the transfer of overhead wires from old to new poles to minimize any double pole situations left along the street;
- 2) The new pole location shall be as directed by DPW/Engineering.

**Suspension of the Rules requested – granted**

ORDERED: That the Communication from Mirick O’Connell on behalf of BSL Marlborough Development LLC re: request to extend time limitations on Application for Special Permit to construct a 52-Unit, 60,823 +/-square foot Assisted Living Facility with a Special Care Unit, 421 Bolton Street, until 10:00 PM on September 12, 2017, **APPROVED**; adopted.

ORDERED: That the Chief of Police appear before the Operations and Oversight Committee to discuss procedures involved in companies who are applying for door to door permits. It is furthered ordered that the Committee and Council review possible restrictions to the permitting process to help residents not be harassed by salesmen, refer to **OPERATIONS & OVERSIGHT COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, JULY 24, 2017** as **DATE FOR PUBLIC HEARING** on the Application for Special Permit from Bohler Engineering on behalf of McDonald’s USA, LLC to modify the existing drive-thru and associated menu boards and propose a new side-by-side drive-thru and menu boards to optimize circulation and restaurant operations at 250 Maple Street, refer to **URBAN AFFAIRS COMMITTEE & ADVERTISE**; adopted.

ORDERED: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH THAT, UPON THE RECOMMENDATION OF THE MAYOR, THE CITY CODE OF THE CITY OF MARLBOROUGH, AS AMENDED, BE FURTHER AMENDED BY AMENDING CHAPTER 67 PURSUANT TO THE PROVISIONS OF § 53E½ OF CHAPTER 44 OF THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS, AS AMENDED BY THE MUNICIPAL MODERNIZATION ACT ST. 2016, C. 218, SECTION 86, AS FOLLOWS:

Chapter 67 is further amended by inserting after § 67-26 a new section, entitled “Departmental Revolving Funds,” as follows:

§ 67-27. Departmental Revolving Funds.

- A. Purpose. This ordinance establishes and authorizes revolving funds for use by City departments, boards, committees, agencies and officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by § 53E½ of Chapter 44 of the Massachusetts General Laws, as amended.

- B. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against, and spend monies from, a revolving fund established and authorized by this ordinance without appropriation subject to the following limitations:
1. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
  2. No liability shall be incurred in excess of the available balance of the fund.
  3. The total amount spent during a fiscal year shall not exceed the amount authorized by the City Council on or before July 1 of said fiscal year, or any increased amount of said authorization which is later approved by the City Council and Mayor during that fiscal year.
- C. Interest. Interest earned on monies credited to a revolving fund established by this ordinance shall be credited to the General Fund.
- D. Procedures and Reports. Except as provided in § 53E½ of Chapter 44 of the Massachusetts General Laws, as amended, and this ordinance, the laws, charter provisions, ordinances, rules, regulations, policies or procedures governing the receipt and custody of City monies and the expenditure and payment of City funds shall apply to the use of a revolving fund established and authorized by this ordinance. The City Auditor shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the City Auditor provides the department, board, committee, agency or officer on appropriations made for its use.
- E. Authorized Revolving Funds.
1. Parks and Recreation Revolving Fund.
    - a. Fund Name. There shall be a separate fund called the Parks and Recreation Revolving Fund for the use of the Department of Public Works.
    - b. Revenues. The City Auditor shall establish the Parks and Recreation Revolving Fund as a separate account and credit to the fund all payments, fees and/or rental income due the City from owners of antennae and related telecommunications equipment located or co-located at wireless communications facilities situated on property under the care, custody, management and control of the City of Marlborough.

- c. Purposes and Expenditures. During each fiscal year, the Commissioner of Public Works may incur liabilities against, and spend monies from, the Parks and Recreation Revolving Fund for the purposes of maintenance and improvement of municipal parks and municipal recreational facilities.
  - d. Reports. The Commissioner of Public Works shall prepare a year-end report identifying funds received, funds expended, a description of expenditures, and the year-end balance.
  - e. Fiscal Years. The Parks and Recreation Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.
2. Council on Aging Revolving Fund.
- a. Fund Name. There shall be a separate fund called the Council on Aging Revolving Fund for the use of the Council on Aging.
  - b. Revenues. The City Auditor shall establish the Council on Aging Revolving Fund as a separate account and credit to the fund all donations received by the Council on Aging/Senior Center.
  - c. Purposes and Expenditures. During each fiscal year, the Executive Director of the Council on Aging may incur liabilities against, and spend monies from, the Council on Aging Revolving Fund for the purposes of Council on Aging/Senior Center programming.
  - d. Reports. The Executive Director of the Council on Aging shall prepare a year-end report identifying funds received, funds expended, a description of expenditures, and the year-end balance.
  - e. Fiscal Years. The Council on Aging Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.
3. Public Safety Revolving Fund.
- a. Fund Name. There shall be a separate fund called the Public Safety Revolving Fund for the use of the Mayor of the City.
  - b. Revenues. The City Auditor shall establish the Public Safety Revolving Fund as a separate account and credit to the fund all emergency dispatch fee due the City pursuant to its contract with Patriot Ambulance, unless otherwise directed by the Massachusetts General Laws.

- c. Purposes and Expenditures. During each fiscal year, the Mayor may incur liabilities against, and spend monies from, the Public Safety Revolving Fund for the purposes of public safety training.
- d. Reports. The Mayor shall prepare a year-end report identifying funds received, funds expended, a description of expenditures, and the year-end balance.
- e. Fiscal Years. The Public Safety Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

**APPROVED**; adopted.

**First Reading, suspended; Second Reading, adopted; Passage to Enroll, adopted; Passage to Ordain; adopted. No objection to passage in one evening.**

ORDERED: That no more than one hundred thousand dollars (\$100,000.00) shall be expended from the Parks and Recreation Revolving Fund during fiscal year 2018, unless otherwise authorized by City Council and Mayor, **APPROVED**; adopted.

**Yea: 11-Nay: 0**

**Yea: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juairé, Oram, Ossing & Robey**

ORDERED: That no more than forty thousand dollars (\$40,000.00) shall be expended from the Council on Aging Revolving Fund during Fiscal Year 2018, unless otherwise authorized by the City Council and Mayor, **APPROVED**; adopted.

**Yea: 11-Nay: 0**

**Yea: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juairé, Oram, Ossing & Robey**

ORDERED: That no more than seventy-five thousand dollars (\$75,000.00) shall be expended from the Public Safety Revolving Fund during fiscal year 2018, unless otherwise authorized by City Council and Mayor, **APPROVED**; adopted.

**Yea: 11-Nay: 0**

**Yea: Clancy, Delano, Doucette, Elder, Tunnera, Irish, Landers, Juairé, Oram, Ossing & Robey**

ORDERED: There being no further business, the regular meeting of the City Council is herewith adjourned at 8:48 PM.